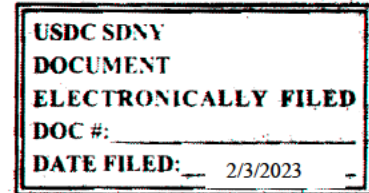


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



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RAMON MARIA AQUINO,

Plaintiff,

21-CV-10125 (SN)

-against-

ORDER

COMMISSIONER OF SOCIAL SECURITY,

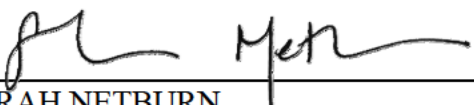
Defendant.
-----X

SARAH NETBURN, United States Magistrate Judge:

A hearing related to the parties' cross-motions for summary judgment is scheduled for Friday, February 10, 2023, at 10:00 a.m. in Courtroom 219, Thurgood Marshall Courthouse, 40 Foley Square, New York, New York. The parties should be prepared to address the following issues, identified by the Court upon a thorough review of the record:

- Whether at step three the ALJ erred in his analysis of the objective medical evidence by rigidly applying the factors of listing 11.02 without adequately considering the ways narcolepsy differs from epilepsy, as illustrated by Program Operations Manual System DI 24580.005?
- Whether in assessing Plaintiff's RFC the ALJ erred by discrediting Plaintiff's testimony about the intensity, persistence, and limiting effects of his narcolepsy-related symptoms, after failing to consider more recent medical record evidence demonstrating that Plaintiff's symptoms were no longer effectively managed by medication?

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: February 3, 2023
New York, New York